

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY lu D.C.
05 MAY 10 PM 5:23

ROBERT R. DI TROLIO
CLERK OF U.S. DIST. CT.
W.D. OF TN.-JACKSON

LACRETIA JOHNSON, SHANNA
JOHNSON, PAMELA JOHNSON and
FISHER SMITH,

Plaintiffs,

VS.

UNIVERSITY OF TENNESSEE
FAMILY PRACTICE CENTER,

Defendant.

No. 03-1156-T/An

ORDER TO SHOW CAUSE

This action was filed against the University of Tennessee Family Practice Center on behalf of four plaintiffs, Loretia Johnson, Shanna Johnson, Pamela Johnson and Fisher Smith. On October 20, 2004, plaintiffs' counsel, Michael D. Cooke, filed a motion to withdraw as counsel for plaintiff Fisher Smith. Mr. Cooke stated that he had attempted to communicate with Ms. Fisher on multiple occasions in writing, by telephone and in person, without success. Mr. Cooke further stated that he could no longer adequately represent Ms. Fisher due to her lack of cooperation with his office.

The motion to withdraw was granted by Magistrate Judge S. Thomas Anderson on October 25, 2004. The order gave plaintiff thirty days in which to obtain new counsel. However, no attorney has made an appearance on behalf of Fisher, and she has filed nothing to indicate that she intends to prosecute this action *pro se*.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79 (a) FRCP on 05-11-05

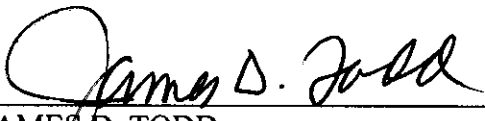
The defendant filed a motion for summary judgment on April 4, 2005. In that motion, defendant states that plaintiff failed to appear for her deposition, which was noticed for December 1, 2004. Responses to the motion for summary judgment were due on or before May 9, 2005. On May 6, 2005, the Court received notice from Nancy M. Maddox, counsel for the defendant, that the claims of plaintiffs Loretta Johnson, Shanna Johnson and Pamela Johnson have been settled.


No response to the motion for summary judgment has been filed on behalf of plaintiff Smith. As she has failed to either obtain new counsel or notify the Court that she intends to proceed *pro se*, and also failed to appear at her deposition, it appears that plaintiff has abandoned her claims.

Plaintiff Fisher Smith is hereby ORDERED to show cause, in writing and within fifteen (15) days after the date of this order, why her claims should not be dismissed for failure to prosecute. Failure to respond will result in immediate dismissal of her claims, without further notice.

The Clerk of Court is directed to send a copy of this order to plaintiff Smith at the following address: 137 McAbee St., Beech Bluff, TN 38313.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE


DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 28 in case 1:03-CV-01156 was distributed by fax, mail, or direct printing on May 11, 2005 to the parties listed.

Nancy M. Maddox
THE UNIVERSITY OF TENNESSEE
66 North Pauline Street
Ste. 428
Memphis, TN 38163

Michael D. Cooke
LAW OFFICE OF MICHAEL D. COOKE
P.O. Box 625
Iuka, MS 38852

Honorable James Todd
US DISTRICT COURT